

# PREVAILED

Roll Call No.

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION

**MR. SPEAKER:**

I move that Engrossed Senate Bill 175 be amended to read as follows:

1 Page 4, between lines 38 and 39, begin a new paragraph and  
2 insert:

3 "SECTION 7. IC 3-10-1-19 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19. (a) The  
5 ballot for a primary election shall be printed in substantially the  
6 following form for all the offices for which candidates have  
7 qualified under IC 3-8:

## 8 OFFICIAL PRIMARY BALLOT

9 \_\_\_\_\_ Party

10 To vote for a person make a voting mark (X or ✓) on or in  
11 the box before the person's name in the proper column.

12                      Vote for one only

13 Representative in Congress

14 [] (1) AB \_\_\_\_\_15 [] (2) CD \_\_\_\_\_16 □ (3) EF

17 [ ] (4) GH \_\_\_\_\_

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

20 (1) Federal and state offices:

21 (A) President of the United States.

22 (B) United States Senator.

23 (C) Governor.

24 (D) United States Representative.

- 1 (2) Legislative offices:  
2 (A) State senator.  
3 (B) State representative.
- 4 (3) Circuit offices and county judicial offices:  
5 (A) Judge of the circuit court, and unless otherwise  
6 specified under IC 33, with each division separate if there  
7 is more than one (1) judge of the circuit court.  
8 (B) Judge of the superior court, and unless otherwise  
9 specified under IC 33, with each division separate if there  
10 is more than one (1) judge of the superior court.  
11 (C) Judge of the probate court.  
12 (D) Judge of the county court, with each division separate,  
13 as required by IC 33-10.5-4-2.  
14 (E) Prosecuting attorney.  
15 (F) Clerk of the circuit court.
- 16 (4) County offices:  
17 (A) County auditor.  
18 (B) County recorder.  
19 (C) County treasurer.  
20 (D) County sheriff.  
21 (E) County coroner.  
22 (F) County surveyor.  
23 (G) County assessor.  
24 (H) County commissioner.  
25 (I) County council member.
- 26 (5) Township offices:  
27 (A) Township assessor.  
28 (B) Township trustee.  
29 (C) Township board member.  
30 (D) Judge of the small claims court.  
31 (E) Constable of the small claims court.
- 32 (6) City offices:  
33 (A) Mayor.  
34 (B) Clerk or clerk-treasurer.  
35 (C) Judge of the city court.  
36 (D) City-county council member or common council  
37 member.
- 38 (7) Town offices:  
39 (A) Clerk-treasurer.  
40 (B) Judge of the town court.  
41 (C) Town council member.
- 42 (c) The political party offices with candidates for election  
43 shall be placed on the primary election ballot in the following  
44 order after the offices described in subsection (b):  
45 (1) Precinct committeeman.  
46 (2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

~~(1) School board offices to be elected at the primary election.~~

~~(2) Other~~ (1) Local offices to be elected at the primary election.

~~(3)~~ (2) Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed in a separate column on the ballot if voting is by paper ballot, ballot card voting system, or electronic voting system or in a separate column of ballot labels if voting is by voting machine.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,  
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 8. IC 3-10-1-19.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 19.2. (a) Whenever candidates are to be nominated for an office that includes more than one (1) district, the districts shall be placed on the ballot in alphabetical or numerical order, according to the designation given to the district.

(b) Whenever candidates are to be nominated for an office that includes both an at-large member and a member representing a district, the candidates seeking nomination as an at-large member shall be placed on the ballot before candidates seeking nomination to represent a district.

(c) This subsection applies to a ~~school board office~~ or political office to be elected at the primary election ballot. Candidates for a ~~school board office~~ or a political party office shall be placed on the ballot in accordance with the rules applicable to candidates for nomination to an office under subsections (a) and (b).

SECTION 9. IC 3-10-1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 32. Primary election returns must contain the whole number of votes cast for:

- (1) each candidate of each political party;
- (2) each public question voted on at the primary election;
- and

(3) each candidate for election to a ~~school board office or~~ political party office.

SECTION 10. IC 3-11-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) The following offices and public questions shall be placed on the general election ballot in the following order after the offices and public questions described in section 13 of this chapter:

(1) Retention of a local judge.

(2) Local nonpartisan judicial offices.

(3) School board offices. ~~to be elected at the general election.~~

(4) Local public questions.

(b) These offices and public questions shall be placed in a separate column on the ballot or ballot label if voting is by paper ballot, ballot card voting system, or electronic voting system or in a separate column of ballot labels if voting is by voting machine.

(c) If the ballot contains a candidate for a local nonpartisan judicial office or for a school board office, the ballot must also contain a statement that reads substantially as follows: "To vote for a candidate for this office, make a voting mark on or in the square to the left of the candidate's name.".

(d) If more than one (1) local public question concerning the retention of a local judge is to be placed on a ballot, the public questions shall be placed on the ballot:

(1) in alphabetical order according to the surname of the local judge; and

(2) identifying the court (including division or room) in which the judge serves.

SECTION 11. IC 20-3-11-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3.1. (a) The board of school commissioners consists of seven (7) members. Each member shall be elected on a nonpartisan basis in ~~primary~~ **general** elections held in the county as specified in this section. Five (5) of the members shall be elected from the school board districts in which they reside, and two (2) members shall be elected at large. Not more than two (2) of the members who serve on the board may reside in the same school board district. When a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. When a person is a candidate for one (1) of the at-large positions, eligible voters from all ~~of~~ the districts may vote for that candidate. When a candidate files to run for a position on the board, the candidate must specify

whether the candidate is running for a district or an at-large position. All members elected to the board serve four (4) year terms. A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates against whom the candidate runs. Districts shall be established within the school corporation by the state board of education. The districts shall be drawn on the basis of precinct lines and as nearly as practicable, of equal population with the population of the largest not to exceed the population of the smallest by more than five percent (5%). District lines must not cross precinct lines. The state board of education shall establish balloting procedures for the election under IC 3 and other procedures required to implement this section.

(b) Each member of the board of school commissioners serves under section 2 of this chapter. The vacancies in the board of school commissioners shall be filled temporarily by the school board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs, at which time the vacancy shall be filled for the remainder of the term.

(c) Persons elected to serve on the board begin their terms on July 1 of the year of their election.

(d) Notwithstanding any law to the contrary, voters shall cast their votes for school board candidates by voting machine or paper ballot.

SECTION 12. IC 20-3-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) The governing body of the school corporation consists of seven (7) members. Six (6) members shall be elected as follows:

- (1) On a nonpartisan basis.
- (2) In a **primary general** election held in the county.
- (3) At-large by the registered voters of the entire school corporation.

(b) The membership shall be comprised of the following:

- (1) Six (6) of the members shall be elected from the school districts under section 4 of this chapter in which the members reside but who shall, upon election and in conducting the business of the governing body, represent the interests of the entire school corporation.
- (2) One (1) of the members shall be appointed by the mayor of the largest city contained within the school corporation.

1 The member must have knowledge or experience and be  
 2 familiar with issues related to school business, school  
 3 finance, and school administration. The member must have  
 4 resided within the school corporation boundaries the  
 5 previous five (5) years.

6 Upon election and in conducting the business of the governing  
 7 body, a member shall represent the interests of the entire school  
 8 corporation.

9 SECTION 13. IC 20-3-22-5 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. To be  
 11 eligible to be a candidate for the governing body under this  
 12 chapter, the following apply:

13 (1) Each prospective candidate must file a nomination  
 14 petition with the clerk of the circuit court at least  
 15 seventy-four (74) days before the **primary general** election  
 16 at which the members are to be elected that includes the  
 17 following information:

18 (A) The name of the prospective candidate.

19 (B) Whether the prospective candidate is a district  
 20 candidate or an at-large candidate.

21 (C) A certification that the candidate meets the  
 22 qualifications for candidacy imposed under this chapter.

23 (D) The signatures of at least one hundred (100)  
 24 registered voters residing within the school corporation.

25 (2) Each prospective candidate for a district position must:

26 (A) reside within the district; and

27 (B) have resided within the district for at least the three  
 28 (3) years immediately preceding the election.

29 (3) Each prospective candidate for an at-large position  
 30 must:

31 (A) reside within the boundaries of the school  
 32 corporation; and

33 (B) have resided within the boundaries of the school  
 34 corporation for at least the three (3) years immediately  
 35 preceding the election.

36 (4) Each prospective candidate (regardless of whether the  
 37 candidate is a district candidate or an at-large candidate)  
 38 must:

39 (A) be a registered voter and must have been a registered  
 40 voter for at least the three (3) years immediately preceding  
 41 the election; and

42 (B) be a high school graduate or have received a:

43 (i) high school equivalency certificate; or

44 (ii) state of Indiana general educational development

1 (GED) diploma under IC 20-10.1-12.1.

2 (5) A prospective candidate may not:

3 (A) hold any other elective or appointive office; or

4 (B) have a pecuniary interest in any contract with the  
5 school corporation or its governing body;

6 as prohibited by law.

7 SECTION 14. IC 20-3-22-8 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. ~~Except as~~  
9 ~~provided in section 9(2) of this chapter,~~ The term of each  
10 person elected to serve on the governing body is four (4) years,  
11 beginning July 1 following election.

12 SECTION 15. IC 20-4-1-8 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) The  
14 county committee in formulating a preliminary plan shall, with  
15 respect to each of the community school corporations which are  
16 a part of the reorganization plan, determine the following:

17 (1) The name of the community school corporation.

18 (2) A general description of the boundaries of the  
19 community school corporation which may consist of  
20 identifying an existing school corporation where it is to be  
21 included in its entirety in such community school  
22 corporation. Where a boundary does not follow the  
23 boundary of an existing civil or school corporation, the  
24 description shall set out the boundary as near as reasonably  
25 possible by streets, rivers, and other similar boundaries  
26 which are known by common names, and where this is not  
27 thus possible, by section lines or other legal description. No  
28 such description shall be defective if there is a good faith  
29 effort to comply with the provisions of this subdivision, or  
30 if such boundary may be ascertained with reasonable  
31 certainty by a person skilled in the area of real estate  
32 description. The county committee shall have the authority  
33 to require the services of the county surveyor in preparing  
34 a description of any boundary line.

35 (3) The number of members on the board of school  
36 trustees, which shall be either three (3), five (5), or seven  
37 (7), and whether such board of school trustees shall be  
38 elected or appointed. If appointed, when and by whom. If  
39 elected, ~~whether such that the~~ election shall be at ~~the~~  
40 ~~primary or at the~~ general election at which county officials  
41 are nominated or elected, and subject to the provisions of  
42 sections 26.2 through 26.3 of this chapter, the manner in  
43 which such board of school trustees shall be elected or  
44 appointed.

1 (4) The compensation, if any, of the members of the regular  
2 and interim board of school trustees, which shall not  
3 exceed the amount provided in IC 20-5-3-6. If no  
4 compensation is provided in any plan adopted after March  
5 15, 1963, such members shall be entitled to no  
6 compensation.

7 (5) Limitations on residence, term of office, and other  
8 qualifications required of the members of such board of  
9 school trustees. However, no plan shall provide for an  
10 appointive or elective term of more than four (4) years, but  
11 any member may serve more than one (1) consecutive term.

12 (6) The disposition of assets and liabilities in instances  
13 where an existing school corporation is divided.

14 (7) The disposition of school aid bonds, if any.

15 (b) In instances where existing school corporations are not  
16 divided the assets, liabilities, and obligations of the existing  
17 school corporations are to be transferred to and assumed by the  
18 new community school corporation of which they are a part,  
19 without any provisions therefor being made in the plan.

20 (c) The preliminary plan shall be supported by a summary  
21 statement of:

22 (1) the educational improvements its adoption will make  
23 possible;

24 (2) data showing the assessed valuation, the number of  
25 resident pupils in average daily attendance in grades 1  
26 through 12, the assessed valuation per each such pupil, and  
27 the property tax levies of each existing school corporation  
28 to which the plan applies and such assessed valuation,  
29 resident average daily attendance, and assessed valuation  
30 per pupil of each proposed community school corporation  
31 if it were in existence in the year the preliminary plan is  
32 prepared or notices of a hearing or hearings thereon is  
33 given by the county committee; and

34 (3) any other data or information the county committee  
35 deems appropriate or that may be required by the state  
36 board in its rules.

37 (d) Such assessed valuations and tax rates shall be based on  
38 the valuations applying to taxes collected in the year the  
39 preliminary plan is prepared or notices of a hearing or hearings  
40 thereon is given by the county committee. The resident average  
41 daily attendance figures may be based on the calculation thereof  
42 under the rules pursuant to which they are submitted to the  
43 superintendent of public instruction by existing school  
44 corporations and shall be set out for the school year in progress



1 in such year if they are available, or for the preceding school  
 2 year if they are not. All such data and information shall be  
 3 obtained by the county committee from any source deemed  
 4 reliable by it, and the statement by the county committee shall  
 5 be sufficient whether or not exactly accurate, if there is a good  
 6 faith effort on its part to comply with the provisions of this  
 7 subsection.

8 SECTION 16. IC 20-4-1-26.4 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26.4. (a) This  
 10 section applies to each school corporation, whenever created.

11 (b) ~~If a plan provides for the election of members of the~~  
 12 ~~board of school trustees of the community school corporation~~  
 13 ~~at a primary election;~~ At the time provided by ~~IC 3-8-2~~ **IC 3-8-6**  
 14 for the filing of notice of candidacies for the **primary general**  
 15 election next following the creation of the community school  
 16 corporation, nominations for members of the board of school  
 17 trustees of the community school corporation may be made by  
 18 a petition signed by the candidates and ten (10) registered voters  
 19 residing within the boundaries of the community school  
 20 corporation.

21 (c) A petition must be filed with the circuit court clerk of the  
 22 county that contains the greatest percentage of population of the  
 23 school corporation. If the plan requires residence in a specified  
 24 district or voting solely in a specified district for a board  
 25 member office, the petition must clearly state the residence or  
 26 electoral district from or for which the person is a candidate. If  
 27 a school corporation is located in more than one (1) county, the  
 28 circuit court clerk shall, after determining that a petition  
 29 complies with subsection (b), promptly certify to each circuit  
 30 court clerk of a county in which the school corporation is  
 31 located, the names of the candidates to be placed on the ballot.

32 (d) ~~If a plan provides for an election of members of the board~~  
 33 ~~of school trustees at a general election;~~ the filing of notice of  
 34 candidates must be made in the manner provided for filing at  
 35 primary elections under this section. The filing must be made  
 36 within the same period of time before the general election as  
 37 would have been required before the primary election had the  
 38 election been held at the latter time.

39 ~~(e)~~ (d) All nominations shall be listed for each office in the  
 40 form prescribed by ~~IC 3-10-1-19~~ or IC 3-11-2, but without party  
 41 designation. Voting and tabulation of votes shall be conducted  
 42 in the same manner as voting and tabulation in **primary general**  
 43 elections are conducted. The precinct election boards serving at  
 44 each **primary general** election in each county shall conduct the

election for school board members. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the board of school trustees of the school corporation.

~~(f)~~ (e) If the plan provides that the board of school trustees shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by ~~IC 3-10-1-19~~ or IC 3-11-2, without party designation. Candidates elected shall be those having the greatest number of votes.

~~(g)~~ (f) If the plan provides that members of the board of school trustees are to be elected from residence districts by all voters in the community school corporation, nominees for the board of school trustees shall be placed on the ballot in the form prescribed by ~~IC 3-10-1-19~~ or IC 3-11-2 by residence districts without party designation. The ballot must state the number of members to be voted upon and the maximum number that may be elected from each residence district as provided in the plan. A ballot is not valid where more than the maximum number are voted upon from a board member residence district. Candidates having the greatest number of votes are elected. However, if more than the maximum number that may be elected from a residence district are among those having the greatest number of votes, the lowest of those candidates from the residence districts in excess of the maximum number shall be eliminated in determining the candidates who are elected.

~~(h)~~ (g) If the plan provides that members of the board of school trustees are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot in the form prescribed by ~~IC 3-10-1-19~~ or IC 3-11-2 without party designation. The ballot must state the number to be voted on from the electoral district. Candidates residing in the electoral district having the greatest number of votes are elected.

SECTION 17. IC 20-4-1-26.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 26.5. (a) This section applies to each school corporation, whenever created.

~~(b) If the board of school trustees is to be elected at the primary election, each registered voter may vote in the board of school trustee election without otherwise voting in the primary election.~~

~~(c)~~ (b) If a tie vote occurs among any of the candidates, the judge of the circuit court, or in case of a united school

1 corporation the judge of the circuit court of the county having  
 2 the most pupils enrolled in the united school corporation shall  
 3 select one (1) of the candidates who shall be declared and  
 4 certified elected.

5 ~~(d)~~ (c) If after the first board of school trustees takes office  
 6 there is a vacancy on the board of school trustees for any  
 7 reason, including the failure of the sufficient number of  
 8 petitions for candidates being filed, and whether the vacating  
 9 member was elected or appointed, the remaining members of  
 10 the board of school trustees, whether or not a majority of the  
 11 board, shall by a majority vote fill the vacancy by appointing a  
 12 person from within the boundaries of the community school  
 13 corporation, with the residence and other qualifications  
 14 provided for a regularly elected or appointed board member  
 15 filling the office, to serve for the term or balance of terms  
 16 respectively. If a tie vote occurs among the remaining members  
 17 of the board or the board fails to act within thirty (30) days after  
 18 any vacancy occurs, the judge of the circuit court in the county  
 19 where the majority of registered voters of the school  
 20 corporation reside shall make the appointment.

21 ~~(e)~~ (d) A vacancy in the board of trustees occurs if a member  
 22 ceases to be a resident of any community school corporation. A  
 23 vacancy does not occur when the member moves from a district  
 24 of the school corporation from which the member was elected  
 25 or appointed as long as the member continues to be a resident  
 26 of the school corporation.

27 ~~(f)~~ (e) At the first ~~primary or~~ general election in which  
 28 members of the board of school trustees are elected, a simple  
 29 majority of the candidates elected as members of the board of  
 30 school trustees who receive the highest number of votes shall  
 31 be elected for four (4) year terms. The balance of the candidates  
 32 elected as members of the board of school trustees receiving the  
 33 next highest number of votes shall be elected for two (2) year  
 34 terms. Thereafter, all school board members shall be elected for  
 35 four (4) year terms.

36 ~~(g)~~ (f) Board members elected in November take office and  
 37 assume their duties on January 1 or July 1 after their election,  
 38 as determined by the board of school trustees before the  
 39 election. ~~Board members elected in May take office and assume~~  
 40 ~~their duties on July 1 after their election.~~

41 SECTION 18. IC 20-4-3-1 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) In a  
 43 community school corporation set up under IC 20-4-1 that has  
 44 a population of more than seventy-five thousand (75,000) but

1 less than ninety thousand (90,000) and that is the successor in  
 2 interest to a school city having the same population, the  
 3 governing body shall consist of a board of trustees of five (5)  
 4 members elected in the manner provided in this chapter.

5 (b) ~~At the time of the 1968 primary election and at each such~~  
 6 ~~primary election every four (4) years thereafter, there shall be~~  
 7 ~~elected in each school corporation embraced within the terms~~  
 8 ~~of this chapter two (2) school trustees each of whom shall serve~~  
 9 ~~for a period of four (4) years. The two (2) candidates for the~~  
 10 ~~office of school trustee receiving the highest number of votes at~~  
 11 ~~such election shall take office on July 1 next following the~~  
 12 ~~election. At the time of the 1970 primary election and at each~~  
 13 ~~such primary election every four (4) years thereafter, there shall~~  
 14 ~~be elected in each school city embraced within the terms of this~~  
 15 ~~chapter three (3) school trustees each of whom shall serve for~~  
 16 ~~a period of four (4) years. The three (3) candidates for the office~~  
 17 ~~of school trustee receiving the highest number of votes at such~~  
 18 ~~election shall take office on July 1 next following the election.~~  
 19 ~~Thereafter, such school trustees shall be elected at the times~~  
 20 ~~above provided and shall succeed the retiring members in the~~  
 21 ~~order and manner as set forth in this subsection. **Board**~~  
 22 ~~**members are elected at the general election.**~~

23 SECTION 19. IC 20-4-3-2 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) The board  
 25 of school trustees shall be elected on a general ticket **at a**  
 26 **general election** for a term of four (4) years by the voters of  
 27 any such school city. ~~A voter may vote in such primary election~~  
 28 ~~for school trustees without otherwise voting and without~~  
 29 ~~declaring party preference.~~ An individual is not eligible for the  
 30 office of school trustee for more than three (3) terms out of four  
 31 (4) consecutive terms. A term, or any part of a term, filled as a  
 32 result of a vacancy upon such board of school trustees is within  
 33 the provisions of this limitation. The members of such board  
 34 shall be elected at the time of the **primary general** elections as  
 35 provided in section 1 of this chapter and shall be taken from the  
 36 city at large without reference to district. Such election shall be  
 37 held under IC 3-10-1, insofar as it is not inconsistent with the  
 38 provisions of this chapter.

39 (b) At the time provided by law for the filing of declaration  
 40 of candidacy for the **primary general** election in which  
 41 members of the board of school trustees are to be elected as  
 42 provided for in this chapter, legal voters of such city may  
 43 present names of candidates for election as members of the  
 44 board of school trustees to the county election board in each

1 county in which is situated a school city within the  
2 contemplation of this chapter as follows:

3 (1) Each candidate shall be proposed in a petition in writing  
4 signed by not fewer than two hundred (200) legal voters of  
5 such school city.

6 (2) Not more than one (1) candidate may be named in any  
7 one (1) petition.

8 (3) No legal voter may sign petitions for a greater number  
9 of candidates than the number of school trustees to be  
10 elected in the **primary general** election concerned.

11 (c) Upon the presentation of such petition to the county  
12 election board, the board shall publish the names proposed in  
13 accordance with IC 5-3-1 and shall certify such nominations in  
14 the manner as required by law. Such election shall be conducted  
15 in accordance with IC 3.

16 (d) The county election board shall prepare the ballot for the  
17 **primary general** election at which school trustees are to be  
18 elected as provided in this section so that the names of the  
19 candidates nominated for the office of school trustee appear on  
20 the ballot in alphabetical order, without party designation and  
21 in the form prescribed by **IC 3-11-2**. The name of any candidate  
22 shall not be published and placed on the ballot by the county  
23 election board if it shall appear that the candidate is ineligible  
24 for membership on the board of school trustees under the  
25 provisions of this chapter. Each voter may vote for as many  
26 candidates as there are school trustees to be elected.

27 SECTION 20. IC 20-4-8-8 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) At the  
29 time provided by ~~IC 3-8-2-4~~ **IC 3-8-6** for filing a declaration of  
30 candidacy for the **primary general** election next following the  
31 creation of the county school corporation as provided in this  
32 chapter, nominations for members of the board of education of  
33 said county school corporation shall be made by a petition  
34 signed by the nominee and ten (10) voters of the county  
35 residing in the same board member district as the nominee,  
36 which shall be filed with the clerk of the circuit court in the  
37 respective county. Such nominations shall be listed by board  
38 member districts on the **primary general** election ballot as  
39 prescribed by ~~IC 3-10-1-19~~, **IC 3-11-2**, but without party  
40 designation.

41 (b) Voting and tabulation of votes shall be conducted in the  
42 same manner as in **primary general** elections under ~~IC 3-10-1-~~  
43 **IC 3-11-2 and IC 3-12**. The candidates elected from each  
44 board member district and at large shall be the persons having

the greatest number of votes. If in the first election more than two (2) candidates in any one (1) board member district shall be among those who received the greatest number of votes or if in any subsequent election more than one (1) person shall be among those who received the greatest number of votes, then the candidate or candidates respectively receiving the next greatest number of votes in other board member districts respectively shall be declared elected. In the event of a tie vote for any of said candidates, the judge of the circuit court shall select one (1) of said candidates who shall be declared and certified elected.

(c) If at any time there shall occur a vacancy or vacancies on the board for any reason including the failure of the sufficient number of petitions for candidates being filed, it shall be the duty of the judge of the circuit court to fill said vacancies by appointing a person or persons from the respective board member district or districts to serve for the term or balance of terms respectively.

(d) ~~At the first primary election wherein members of the county board of education shall be elected; the three (3) candidates who receive the highest number of votes in each of the respective board member districts shall be elected for four (4) year terms and the two (2) candidates from different districts receiving the next highest number of votes respectively shall be elected for two (2) year terms.~~ All candidates for membership on the county board of education shall be voted upon by the voters in the county school corporation district only and shall be elected for four (4) year terms after the first election and shall take office and assume their duties one (1) week after their election.

SECTION 21. IC 20-4-8-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 18. (a) Members of the metropolitan board of education shall be elected by the registered voters of the metropolitan school district at the **primary general** elections held biennially in the state commencing with the next **primary general** election which is held more than sixty (60) days after the creation of the metropolitan school district as provided herein. Nominations for each member of the board of education shall be made by a petition signed by the nominee and by ten (10) registered voters residing in the same board member district as the nominee. Such petition shall be filed not earlier than the date on which a petition of nomination may first be filed under IC 3-8-6-10 and not later than noon on the last date provided by ~~IC 3-8-2-4~~

1 **IC 3-8-6-10** for the filing of a declaration of candidacy for the  
 2 **primary general** election with the clerk of the circuit court in  
 3 each county in which such metropolitan school district is  
 4 located.

5 (b) Nominees for school board members shall be listed on  
 6 the **primary general** election ballot in the form prescribed by  
 7 ~~IC 3-10-1-19~~, **IC 3-11-2** by board member districts without  
 8 party designation. Such ballot shall state thereon the number of  
 9 board members to be voted upon and the maximum number  
 10 which may be elected from each board member district in  
 11 compliance with section 15 of this chapter. No ballot shall be  
 12 valid where more than such maximum number are voted upon  
 13 from any such board member district. The election boards in the  
 14 various precincts and in the county or counties serving at each  
 15 **primary general** election shall conduct the election for school  
 16 board members. Each registered voter may vote in such school  
 17 board election without otherwise voting in the **primary general**  
 18 election.

19 (c) Voting and tabulation of votes shall be conducted in the  
 20 same manner as voting and tabulation in **primary general**  
 21 elections are conducted, and the candidates having the greatest  
 22 number of votes shall be elected. If more than the maximum  
 23 number which may be elected from any board member district  
 24 as provided in section 15 of this chapter are among those  
 25 having the greatest number of votes, the lowest of those  
 26 candidates from such board member district in excess of such  
 27 maximum number shall be eliminated in determining the  
 28 candidates who are elected. In the event of a tie vote for any of  
 29 said candidates, the judge of the circuit court in the county  
 30 where the majority of the registered voters of the metropolitan  
 31 school district reside shall select one (1) of said candidates who  
 32 shall be declared and certified elected.

33 (d) If at any time after the first board member election there  
 34 shall occur a vacancy on the board for any reason including but  
 35 not limited to the failure of the sufficient number of petitions  
 36 for candidates being filed, and whether the vacating member  
 37 was elected or appointed, the remaining members of the  
 38 metropolitan board of education, whether or not a majority of  
 39 the board, shall by a majority vote fill such vacancy by  
 40 appointing a person from the board member district from which  
 41 the person who vacated the board membership was elected, or  
 42 if such person was appointed, the board member district from  
 43 which the last elected predecessor of such person was elected.  
 44 In the event of a tie vote among the remaining members of the

board or their failure to act within thirty (30) days after any such vacancy occurs, it shall be the duty of the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside to make such appointment. A successor to such appointive board member shall be elected at the next **primary general** election which is held more than sixty (60) days after any elected board member vacates membership on the board; or at the **primary general** election held immediately prior to the end of the term for which such vacating member was elected, whichever is sooner. Unless such successor takes office at the end of the term of such vacating member, the member shall serve only for the balance of such term. In any election of a successor board member to fill a vacancy for a two (2) year balance of a term, nominating petitions for school board membership candidacy need not be filed for or with reference to the vacancy. The elected candidate who receives the lowest number of votes at the election at which such successor is elected shall serve for such two (2) year term.

(e) ~~At the first primary election wherein members of the metropolitan board of education shall be elected under this section; a simple majority of the elected candidates, consisting of those elected candidates who receive the highest number of votes, shall be elected for four (4) year terms and the balance of the elected candidates, consisting of those who received the lowest number of votes, shall be elected for two (2) year terms.~~ All candidates for membership on the metropolitan board of education shall be voted upon by the voters of the entire district, shall be elected for four (4) year terms after the first election, and shall take office and assume their duties July 1 following their election.

SECTION 22. IC 20-4-10.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 15. ~~Limitation on Elections and Adoption of Plan.~~ No election shall be held under this chapter more than once each eighteen (18) months. No plan for any governing body may be adopted more than once each six (6) years, except:

~~(1) where the plan provides solely for changing the time of voting of board members from the primary to the general election; or from the general to the primary election;~~

~~(2) (1) in the event any plan adopted is declared or held to be invalid by a binding judgment or order in any United States or Indiana court from which no appeal or further approval can be taken; or~~



(3) (2) where the plan provides solely for changes in items specified in section 2(5) of this chapter.

SECTION 23. IC 20-4-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) The board members of the merged school corporation shall be elected at the first ~~primary~~ **general** election following its creation, and vacancies shall be filled in accordance with IC 20-4-1-26.5.

(b) Until such first election, the board of trustees of the merged school corporation shall consist of the members of the governing body of any school corporation in the county other than a school township and the township trustee of any school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. Such name may be changed from time to time by unanimous vote of the governing body of the merged school corporation.

SECTION 24. IC 20-4-57 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

**Chapter 57. Election of Governing Body Members at General Elections**

**Sec. 1. This chapter applies to a school corporation created under IC 20-2, IC 20-3, or this article.**

**Sec. 2. Notwithstanding a provision in the plan of a school corporation to the contrary, if a school corporation's plan includes the election of members of the governing body, the election shall be held at the general election.**

SECTION 25. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 1999]: IC 20-3-21-9; IC 20-3-22-9.

SECTION 26. [EFFECTIVE JULY 1, 1999] (a) **Notwithstanding any other law, the term of a member of the governing body of a school corporation who was elected May 7, 1996, expires December 31, 2000.**

(b) **Notwithstanding any other law, the term of a member of the governing body of a school corporation who was elected May 5, 1998, expires December 31, 2002.**

(c) **This SECTION expires January 1, 2003."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 175 as printed March 26, 1999.)

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Representative AYRES

